

NO. 26350

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

CHRISTINA M. STARLEY, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NO. 01-1-1945)

ORDER (1) DENYING APPELLANT-DEFENDANT CHRISTINA M. STARLEY'S MAY 7, 2004 MOTION FOR RECONSIDERATION AND (2) ADMONISHING DEFENSE COUNSEL REGARDING RULE 32(c) OF THE HAWAI'I RULES OF APPELLATE PROCEDURE (By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of (1) our April 27, 2004 order dismissing Defendant-Appellant Christina M. Starley's (Appellant Starley) appeal from the December 19, 2003 "Order Granting Motion to Revoke Bail," (2) Appellant Starley's May 7, 2004 motion for reconsideration pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), and (3) the record, we reiterate that the December 19, 2003 order does not impose a new sentence, and, thus, it is not an independently appealable order pursuant to HRS § 571-54 (1993) and HRS § 641-11 (1993). HRAP Rule 9(b) provides that, "if an appeal is pending, a motion for release, or for modification of the conditions of release, pending a review may be made to the appellate court before which the appeal is pending or to a judge or justice thereof." To the extent that Appellant Starley seeks relief from the December 19, 2003 order, Appellant Starley may seek such relief pursuant to HRAP Rule 9(b) in Appellant Starley's pending appeal from her conviction and

sentence in supreme court case number 24885. Accordingly,

IT IS HEREBY ORDERED that Appellant Starley's May 7, 2004 HRAP Rule 40 motion for reconsideration is denied.

We additionally note that HRAP Rule 32(c) requires that "[a]ll original documents filed with the appellate court must be signed in black ink by the party or, if the party is represented, by the party's attorney." Appellant Starley's attorney, Hayden Aluli, did not sign Appellant Starley's May 7, 2004 HRAP Rule 40 motion for reconsideration in violation of HRAP Rule 32(c). Therefore, we admonish attorney Hayden Aluli (attorney number 3388) to sign all original documents that he files with appellate courts in accordance with HRAP Rule 32(c).

DATED: Honolulu, Hawai'i, May 12, 2004.